

Government of the District of Columbia
Department of the Environment

**Hazardous Material
& Toxic Substances Division**



**Pollution Prevention and Waste
Management Branch**

Dear Hazardous Waste Generator:

On October 28, 2005, the Department of Health published a Notice of Final Rulemaking adopting new Hazardous Waste Management Regulations for the District of Columbia.

The purpose of this message is to make you aware of two new important requirements that became effective on October 28.

The first is that the Department of Health has begun charging an annual fee for obtaining and keeping a Hazardous Waste Handler's identification number pursuant to Section 4390 of the Hazardous Waste Management Regulations (20 DCMR 4390).

This means that, beginning no later than March 1, 2006, all generators of hazardous waste in the District who have filed an EPA Form 8700-12, *Notification of Regulated Waste Activity*, will need to pay a fee to generate and dispose of hazardous waste according to the following schedule:

1. Each conditionally exempt small quantity generator (CESQG) of fewer than one hundred (100) kilograms of hazardous waste per month shall pay an annual fee of two hundred dollars (\$200) for each generating site on or before March 1 of each year, for the following calendar year or any portion thereof.
2. Each small quantity generator (SQG) of one hundred (100) to one thousand (1000) kilograms of hazardous waste per calendar month shall pay an annual fee of five hundred dollars (\$500) for each generating site on or before March 1 of each year, for the following calendar year or any portion thereof.
3. Each large quantity generator (LQG) of greater than one thousand (1000) kilograms of hazardous waste per calendar month shall pay an annual permit fee of one thousand dollars (\$1000) for each generating site on or before March 1 of each year, for the following calendar year or any portion thereof.
4. Each owner or operator of a universal waste transfer facility, used oil transfer facility, or used oil processor or re-refiner shall pay an annual permit fee of five hundred dollars (\$500) on or before March 1 of each year, for the following calendar year or any portion thereof.

5. Each owner or operator of a permitted hazardous waste treatment or storage facility shall pay an annual facility permit fee of two thousand, five hundred dollars (\$2500) on or before March 1 of each year, for the following calendar year.
6. A person who first applies to the Director for an EPA identification number after October 28, 2005, shall pay the annual permit fee according to that person's generator category upon submitting a notification form to the Director.
7. Beginning October 28, 2005, a person who applies for a provisional EPA identification number pursuant to §4204.3 for the one-time generation of hazardous waste shall pay a permit fee of one hundred dollars (\$100), upon applying for the provisional EPA identification number.

The second major new requirement is contained in Sections 4236.6 and 4261.7, which state that beginning on March 1, 2006, and on or before March 1 of each year thereafter, each Conditionally Exempt Small Quantity Generator and each Small Quantity Generator shall complete and submit to the Director, on forms provided by the Department, an annual self-certification of compliance with the requirements of 40 CFR Part 262, as modified by this section (20 DCMR § 4262).

Attached you will find the necessary forms and instructions for remitting the annual fee and completing the self-certification of compliance.

Copies of the DC Hazardous Waste Management Regulations are available from the Department for a small fee to cover the copying costs (after 20 pages, \$0.35 per page). The federal hazardous waste regulations that the DC regulations reference (40 CFR Parts 124 and 260 – 279) can be found at: www.access.gpo.gov/nara/cfr/cfr-table-search.html.

If you have any questions, please feel free to contact the Pollution Prevention and Waste Management Branch at 202-535-2290 during business hours of 8:15 a.m. to 4:45 p.m., Monday through Friday.

Payment of fees must be in the form of a business check, money order, cashier's check, or personal check made payable to the District of Columbia Treasurer. Please allow sufficient time for mailing or delivery to ensure that your payment and completed self-certification form are received by the Department* at the address given on page one of this letter no later than March 1, 2006.

Thank you in advance for your cooperation.

* During 2006, the Department of Health will transfer the Hazardous Waste Division to the new District Department of the Environment. This transfer will not affect the regulatory requirements described in this letter.

Government of the District of Columbia

Department of the Environment



Compliance Certification Instructions

And

FORMS



Compliance Certification Instructions

For Conditionally Exempt and Small Quantity Generators

1. What is Compliance Certification?

Beginning March 1, 2006, and each March 1 thereafter, generators of small amounts, up to 2200 pounds per month, of hazardous waste are required to certify to the District of Columbia Department of the Environment that they are complying with the environmental protection requirements that apply to their business. This package contains the material that you will need to complete and submit the *Certification*. The *Certification* and the accompanying guidance material have been designed to enable you to fill out the *Certification* by yourself.

The District strongly advises you to review this material well in advance of the March 1st deadline. While many facilities have all of the equipment that they need to comply with environmental standards and are operating in compliance with the requirements, *some owners and operators may need to take additional steps to comply.*

The certification package has three parts:

- **Annual Compliance Certification:** This form has three sections: *Facility Information* that identifies the facility and a contact person; *Compliance Questions*, which are a series of mostly “yes” or “no” questions about whether or not your facility is following the applicable environmental requirements; and a *Certification Statement* to be signed by the facility owner or operator.
- **Additional Compliance Certification Forms:** Complete the *Return to Compliance Plan* if your facility is NOT in compliance with a particular requirement at the time you certify. Complete the *Spill or Release Report Summary* ONLY if your facility had a reportable chemical spill or pollution release during the past year.
- **Compliance Workbook:** Provides a detailed explanation of how the regulations apply to Small Quantity Generators in the District.

2. Do I have to certify?

The program applies to all Conditionally Exempt (any amount up to 220 pounds, or up to one kilogram of acute hazardous waste) and Small Quantity (220 to 2200 pounds, or up to one kilogram of acute hazardous waste) Generators of hazardous waste per month. Your receipt of this package means that your business is identified in Department records as an active generation site. If this is no longer true, you must contact the Pollution Prevention and Waste Management Branch at (202) 535-2290, **before March 1st**, to receive additional instructions.

NOTE: If you are an owner or operator of a **new facility** or a **new owner or operator** of an existing facility, you are required to certify compliance upon starting operations. You can get more information about compliance requirements and obtaining a new EPA ID number by calling (202) 535-2290.



3. How do I submit a Compliance Certification?

You are required to complete an *Annual Compliance Certification* and mail it to the District Department of the Environment, Pollution Prevention and Waste Management Branch. The completed package must be received at the following address on or before **March 1st of each year**:

DDOE/HMTS
Pollution Prevention and Waste Management Branch
51 N Street, N.E. Third Floor
Washington, D.C. 20002

4. How do I fill out the Compliance Certification?

- a. Read the workbook to understand the environmental protection requirements that apply to your facility.
- b. Answer all of the questions on the attached forms. The forms list places in the workbook where you can find the information you need to answer the question. Refer to *Section 8* below, *Step by Step Instructions for Filling Out the Compliance Certification* (page 4).
- c. When you have answered all of the questions, sign the *Certification Statement*.
- d. Fill out the *Completeness Checklist* at the end of these instructions to make sure you have included all of the required forms.
- e. Make a copy of the complete package for your records.
- f. Mail the package to the above address.

5. What does the Compliance Certification cover?

The *Compliance Certification* covers hazardous waste management requirements for conditionally exempt and small quantity generators only. The workbook explains these standards, and provides tips on how to comply.

6. What is not currently covered by the Compliance Certification?

Some facilities may be subject to additional state, federal, or local environmental standards that are not covered by the *Compliance Certification*. You still must comply with these requirements, even though they are not included on the Certification. Additional District requirements that may apply to your facility include air pollution control, industrial wastewater, or other regulatory programs including reporting and planning under the Toxic Source Reduction Business Assistance Amendment Act of 1990, D.C. Official Code §§ 8-1301, 8-1320 and 8-1815 to 8-1322¹.

¹ You may be subject to the Toxics Source Reduction Act if you use more than 10,000 pounds per year of a toxic chemical listed on the Federal CERCLA or EPCRA chemical lists. Chemical MSDSs state whether a chemical is **included** on one of these lists.



Compliance Certification Instructions Continued

What is my certification fee?

The fees associated with the *Compliance Certification* have been incorporated into the generator fees required by 20 DCMR § 4390. The generator fees are collected in conjunction with compliance certification to simplify the process and reduce paperwork. Fees are based on the amount of waste generated.

Conditionally Exempt Small Quantity Generators of less than 220 pounds (100 kilograms) and 2.2 pounds (1 kilogram) of acute hazardous waste per month pay a fee of \$200 per year on or before March 1st of each year.

Small Quantity Generators of 220 to 2200 pounds, and less than 2.2 pounds of acute waste, pay a fee of \$500 per year.

For purposes of determining the amount of the fee, if the facility was a small quantity generator for any calendar month during the previous calendar year, you must pay the small quantity generator fee.

7. Step-by-step instructions for filling out the Compliance Certification

Facility Information

This section lists the EPA identification number, name, ward, Certificate of Occupancy number, address, telephone, fax number, the D.C. Business License number, the individual the District should contact if there are questions about your Certification and his or her title, phone number, and e-mail address.

Compliance Information Questions

These questions provide the District with some background information about your facility and information about whether or not your facility is following the environmental protection standards and requirements that apply to it. The Environmental Certification Handbook contains the information you will need to determine how to answer the questions. The form tells you where in the workbook you can find information about the environmental requirements referred to in each question. The District *strongly advises you to consult the workbook before answering any questions*. Most of the questions are “yes” or “no” questions about compliance with particular requirements or standards.



Compliance Certification Instructions Continued

If you are NOT in compliance with the requirement on the date that you certify, you must complete a *Return to Compliance Plan* and submit it to the Pollution Prevention and Waste Management Branch, together with the *Compliance Certification form*.

- Please note that it is your responsibility to keep your facility in compliance with the environmental protection requirements at all times. You may be subject to enforcement action if you do not comply with the standards. You should be able to come into compliance with all of the standards by the time you complete the certification. Return to Compliance Plans are needed only if you are unable to correct the deficiency before submitting your certification form.

One question on the form asks if your facility had a spill or release in the last calendar year that was supposed to be reported. If the answer to this question is YES, you must also complete and include a *Spill or Release Report Summary Form*.

Certification Statement

The *Certification Statement* is a pre-printed statement that states that the individual signing the form:

- Has personally reviewed the form;
- Believes the information being submitted is true;
- Will make sure that management systems are in place that will keep the facility in compliance with environmental protection requirements throughout the coming year; and
- Understands that there may be serious consequences for submitting false information to the District.

The statement may only be legally signed by the facility owner or operator, or certain senior managers. The managers who are allowed to sign the statement are listed on the page for the signature. The individual who signs the form must also print or type his or her name and title on the appropriate lines, date the form, and check the appropriate box indicating his or her position within the organization. Note that you must hold one of the titles listed on the form to legally sign it.

Return to Compliance Plan

If your facility is unable to comply with a standard at the time you certify, fill out the Return to Compliance Plan Form. The form asks for the standard that you are violating, what you plan on doing to comply, and when you will be in compliance with the requirement. A separate form is required each time your answer to a question on the Compliance Certification Form requires a *Return to Compliance Plan*. In the unlikely event that you need more than one form, make the necessary number of copies and attach them to your *Compliance Certification*.



Compliance Certification Instructions Continued

Spill or Release Report Summary

The Spill or Release Report Summary Form asks when the spill or release happened, what was spilled or released, and when you notified the District. Complete this form only if you had a chemical spill or pollution discharge that tripped the reporting threshold. If you need more than one form, make the necessary number of copies and attach them to your *Compliance Certification*.

Completeness Checklist

Complete the checklist below to help make sure that you have included all of the necessary information when you return the *Compliance Certification* to the District.

- ☐ Have you completed all of the information in the *Facility Information* section, including your ward number, Certificate of Occupancy Number, and Business License Number? Your form will be returned if these are missing.
- ☐ Are all *Compliance Questions* answered (except those you were directed to skip)?
- ☐ Did you consult the handbook when you were unsure of an answer?
- ☐ Are all required *Return to Compliance Plans* completed and attached?
- ☐ Are all required *Spill or Release Report Summaries* completed and attached?
- ☐ Has the *Certification Statement* been read, understood, and signed by an appropriate person?
- ☐ Have you made a copy of the complete *Compliance Certification*, along with any *Return to Compliance Plans* or *Spill or Release Report Summary Forms*, for your records?



Government of the District of Columbia Department of the Environment
Pollution Prevention & Waste Management Branch

Compliance Certification

For Conditionally Exempt and Small Quantity Generators

A. Facility Information

Facility ID Number: _____

Facility Name

Facility Ward

Facility CO Number

Facility Street Address

City

State

Zip Code

Phone Number

Fax Number

DC Business License Number

Contact Person Name

Title

Telephone Number

Email Address

☐ Please check box if this is a **New Facility** (Change of business name *and/or* ownership).

B. Compliance Information

Answer all questions, unless you are directed to skip a question. Do not answer questions that you are directed to skip.

1. Have you surveyed the operational processes at your facility and made a determination if any wastes that are generated may be classified as hazardous?
(40 CFR § 262.11) ☐ Yes ☐ No
2. Do you have a current, up-to-date, notification pursuant to RCRA § 3010 on file with the District?
[40 CFR § 261.5(b) and 20 DCMR § 4261.7(a)] ☐ Yes ☐ No
3. How many **pounds** of hazardous waste did this facility generate during the previous year? _____

Haz Waste
Acute Waste
4. How much of the waste in your answer to question # 3 above was shipped off site during the year? _____
Pounds
5. What is the name and EPA ID number of the company that disposes of your hazardous waste?
[40 CFR §§ 261.5(f)(3), 261.5(g)(3) and 262.12(c)].
Please attach a separate sheet if you need additional space.) _____

6. Did your facility implement any measures during the past calendar year to reduce the volume and/or toxicity of hazardous waste generated?
[20 DCMR § 4261.7(c). Explain your answer in the comments section on Page 2. Please describe the measures taken and, to the extent information is available, the reduction in the volume or toxicity actually achieved.] ☐ Yes ☐ No



COMPLIANCE CERTIFICATION.....CONTINUED

QUESTION 6 COMPLETES THIS FORM FOR CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS. SIGN THE CERTIFICATION ON PAGE THREE AND RETURN THE FORM. HOWEVER, IF YOUR FACILITY WAS A SMALL QUANTITY GENERATOR IN ANY CALENDAR MONTH DURING THE PREVIOUS CALENDAR YEAR, YOU MUST ANSWER QUESTIONS 7 THROUGH 15.

SMALL QUANTITY GENERATORS CONTINUE TO QUESTION 7.

7. Are all waste accumulation containers labeled and dated?
(40 CFR § 262.34 and 20 DCMR § 4262.4) ☐ Yes ☐ No
8. Is secondary containment provided for containers holding free liquids?
(20 DCMR § 4265.7) ☐ Yes ☐ No
9. Are you operating and maintaining your facility in a manner that will prevent and minimize accidents and releases, and that will prepare you to respond to any accidents or releases that may occur?
(40 CFR Part 265, subpart C) ☐ Yes ☐ No
10. Are you treating waste on site to meet Land Disposal Restriction (LDR) Treatment Standards?
[40 CFR § 268.7(a)(5)] ☐ Yes ☐ No
11. Have you designated an Emergency Coordinator and posted the required emergency information?
[40 CFR § 262.34(d)(5)] ☐ Yes ☐ No
12. Do you maintain for at least three years copies of any contracts for hazardous wastes reclaimed under an agreement?
(40 CFR § 262.20(e)(2)) ☐ NA ☐ Yes ☐ No
13. Do you maintain copies of manifests at the facility for 3 years?
(40 CFR § 262.40(a)) ☐ Yes ☐ No
14. Did this facility have any spills or releases during the previous calendar year that were required to be reported? ☐ No ☐ Yes - please submit a *spill or release summary form*
15. Is this facility in compliance with the requirements for handling hazardous waste described in the Environmental Certification Handbook? ☐ Yes ☐ No - submit a *Return to Compliance Plan*

COMMENTS:



COMPLIANCE CERTIFICATION.....CONTINUED

Certification Statement

"I attest under the pains and penalties of perjury:

- (i) that I have personally examined and am familiar with the information contained in this certification statement, including any and all documents accompanying this certification statement;
- (ii) that, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is to the best of my knowledge, true, accurate, and complete;
- (iii) that systems to maintain compliance are in place at the facility and will be maintained for the coming year even if processes or operating procedures are changed over the course of the year; and
- (iv) that I am fully authorized to make this attestation on behalf of this facility.

I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate, or incomplete information."

Print Name

Title

Date (MM/DD/YYYY)

Source of Signatory Authority:

If a Corporation:

- ☐ President
- ☐ Secretary
- ☐ Treasurer
- ☐ Vice President (if authorized by corporate vote)
- ☐ Representative of the above
(if authorized by corporate vote and if responsible for overall operation of the facility)

If a Partnership:

- ☐ General Partner

If a Sole Proprietorship:

- ☐ Proprietor

Signature _____

Criminal Penalties for Making False Statements

Any person convicted of making false statements shall be fined not more than \$1000, or imprisoned for not more than 180 days, or both. A person commits the offense of making false statements if that person willfully makes a false statement that is in fact material, in writing, directly or indirectly, to any instrumentality of the District of Columbia Government, under circumstances in which the statement could reasonably be expected to be relied upon as true. (D.C. Official Code § 22-2405).



Government of the District of Columbia
Department of the Environment
Pollution Prevention &
Waste Management Branch
Return to Compliance Plan

Facility Name

Facility ID#

Address

Instructions

Complete a separate Return to Compliance Plan for EACH compliance question answer that requires one.

Only submit a Return to Compliance Plan for violations that you were unable to correct BEFORE certifying.

Completing this form does not relieve the facility of its affirmative responsibility to operate in compliance with applicable regulations. Failure to operate in full compliance with the applicable regulations may result in enforcement actions that may include fines or penalties.

Return to Compliance Plan

1. What is the Compliance Question number for which you are reporting noncompliance?

Question number

2. What is the specific violation? Reference the requirement number or workbook section number (which describes the requirements) from the Workbook.

Requirement number

Provide a brief description of the requirement:

Brief Description

3. What corrective action will you take to return to compliance?

Describe Corrective Action

4. Return to compliance date - date you will be back in compliance after completing your corrective action:

MM/DD/YYYY

Signature

**Government of the District of Columbia Department of the Environment
Pollution Prevention and Waste Management Division**

SPILL OR RELEASE REPORT INFORMATION COLLECTION SHEET

Notification for Oil and Hazardous Materials

(This is the information that you will need to report a spill)

Name of Facility: _____

Facility Address: _____

Contact Telephone Number: _____ **Fax:** _____

E-mail: _____

Name and Address of Owner of Facility (if different from above): _____

Owner Telephone Number: _____

Name and Address of Operator of Facility (if different from Owner): _____

Operator Telephone Number: _____

Date of notification: _____

Person reporting discharge: _____

Date and time of discharge: _____

Location of discharge: _____

Discharge source: _____

Cause of discharge: _____

Type and amount of oil or hazardous substance(s) discharged: _____

Description of cleanup actions taken: _____

Estimated amount of hazardous substances or oil cleaned up: _____

Estimated amount of hazardous waste generated: _____

Description of any environmental damage caused: _____

Description of any injuries to persons related to the discharge: _____

Description of any property damage related to the discharge: _____

Description of actions taken to prevent recurrence of the discharge: _____

Method of ultimate disposal or current location of material: _____

Names of individuals and organizations contacted regarding the spill or release: _____

Other information that the Department may require to fully assess the cause and impact of the discharge: _____